

In the UNITED STATES DISTRICT COURT for  
DISTRICT OF DELAWARE

LARRY W. RADER,

Plaintiff,

09c340 SLR

vs.

Motion & Order  
(Atty Kinsel)

ING GROEP, N.V.,  
ING DIRECT BANCORP,  
ING BANK, fsb,  
SHAREBUILDER SECURITIES CORPORATION, et. al.

Defendants.

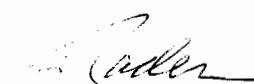
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UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Motion to Quash Subpoena and Sanctions

Plaintiff moves the court to Quash the attached subpoena issued by William A. Kinsel, WSBA #18077, Of Counsel herein, as these bank records are the subject of Interrogatory demands by attorneys of record from the Montgomery Law Firm and are being provided under the protection of a Rule 26 protective order. (see current filings)

The subpoena covers a period from 12/1/08 to the present (well beyond any relevant period) and includes my saving account as well as my personal checking account which has no relevancy to this case and invades my privacy. The attached email has been sent to Attorney Donaldson. Plaintiff seeks relief from this unjust Injurious and onerous conduct.

  
Larry W. Rader, Plaintiff

715 845 3646

**UNITED STATES DISTRICT COURT**  
for the  
**WESTERN DIST OF WASHINGTON**

LARRY W. RADER, <small>Plaintiff</small> v. ING BANK fsb, AND SHAREBUILDER SECURITIES CORPORATION <small>Defendant</small>	) ) ) Civil Action No. 09-340-SLR ) ) (If the action is pending in another district, state where: ) DISTRICT OF DELAWARE
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES**

To: U.S. BANK

*Production:* YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHED EXHIBIT A

Place: Kinsel Law Offices 2025 First Avenue, Suite 440 Seattle, WA 98121	Date and Time:
	10/21/2009 05:00

*Inspection of Premises:* YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: October 6, 2009

**CLERK OF COURT**

OR

*Signature of Clerk or Deputy Clerk*

*William A. Kinsel,*  
Attorney's signature  
WSBA # 18077

The name, address, e-mail, and telephone number of the attorney representing (name of party) ShareBuilder Securities, who issues or requests this subpoena, are:

William A. Kinsel, Esq. (admitted pro hac vice)  
2025 First Avenue, Suite 440  
Seattle, WA 98121      Phone: (206) 706-8148

EXHIBIT A

**Definition:**

"You" and "your" mean US Bank and any of its employees, officers, agents, consultants, representatives, subsidiaries, affiliates, predecessors, successors, or assigns.

"Account Holder" means Larry W. Rader, whose address is believed to be 2411 Ridgeview Drive, Wausau, Wisconsin 54401. Mr. Rader may also use the address of P.O. Box 684, Wausau, Wisconsin 54401.

"The Account" means Account # 282890452141, whether or not that Account is maintained at your branch assigned ABA # 075000022. For your information, the Account Holder may have referred to the Account # as 28289452141 (note the missing zero).

"Documents" means the original or copy of the original if the original has been lost, destroyed or is otherwise unavailable to you, and each non-identical copy (whether different from the original because of notes made on such copy or otherwise) of the following: all written, printed, typed, punched, taped, filmed or graphic matter, however produced or reproduced, of every kind and description, in your actual or constructive possession, custody, trust, care or control, including but not limited to any correspondence (including letters, emails, faxes, cables, telegrams and telexes), paper, book, record, memorandum, contract, agreement, invoice, receipt, cancelled check, drawing, sketch, work order, purchase order, change order, inspection report, log and/or diary of construction, progress billings, payment requests, payment certifications or approvals, claims for extras, or other materials which contain any verbal, graphic, electronic or pictorial information. This term further includes within its scope any and all computer media and the information stored therein, including but not limited to hard drives and floppy disks.

**Instruction:**

Unless indicated to the contrary, this subpoena duces tecum requires production of all records from December 1, 2008, through the date of your response.

Please note that while defendants believe that Larry W. Rader is the owner of the Account, this subpoena duces tecum is not premised on that belief. In other words, if the Account is owned by someone besides or in addition to Larry W. Rader, you are still required to produce the responsive documentation requested for the Account.

**Documents:**

1. Please produce any and all records pertaining to the opening and/or closing of the Account, including but not limited to the name, address, social security number and telephone number of the account holder(s), signature cards, and any other information useful in identifying the individuals accessing said account. This request requires the

production of documents created before December 1, 2008 up through the date of your response.

2. To the extent not produced in response to number 1 above, please provide any and all records pertaining to the opening and/or closing of any accounts with you by the Account Holder, including but not limited to the address and telephone number of the Account Holder, the name, address, social security number and telephone number of any other owners of those accounts in addition to the Account Holder, the signature cards, and any other information useful in identifying the individuals accessing said account. This request requires the production of documents created before December 1, 2008 up through the date of your response.
3. Please produce copies of all documents sent by you to the Account Holder from December 1, 2008 to the date of your response to these Discovery Requests.
4. Please produce copies of all documents sent by the Account Holder to you from December 1, 2008 to the date of your response to these Discovery Requests.
5. Please produce copies of all documents sent by you to ShareBuilder Securities Corporation at the request of, or on behalf of, the Account Holder from December 1, 2008 to the date of your response to these Discovery Requests.
6. To the extent not produced in response to the preceding requests, please produce all records pertaining to the Account and relating to any part of the period from December 1, 2008, through the day of your response. Responsive documents include but are not limited to bank statements, wire transfers, correspondence, or any of your internal work product (e.g., memos or notes) related to the account. If a responsive document, such as a monthly account statement, overlaps the start date, e.g., a monthly account statement begins on November 15, 2008, rather than December 1, 2008, produce the entire monthly statement without redacting any information therefrom.
7. If the Account Holder has other accounts with you instead of or in addition to the Account, produce the same documents for those other accounts as are requested for the Account in paragraphs 1 through 6 above.

**From:** Larry Rader [mailto:  
**Sent:** Thursday, October 15, 2009 8:32 AM  
**To:** Donaldson, Richard  
**Subject:** Re: RE USDC cases 9c544 & 9c340 ]

**Larry Rader** <lwrader@gmail.com>  
To: "Donaldson, Richard" <RDonaldson@mmwr.com>

**Fri, Oct 16, 2009 at 10:11 AM**

Mr. Donaldson, My heart problems have become complicated by another disease; But what concerns me is that USBANK has notified me that Atty Kinsel has subpoenaed my saving account records for 2141 and also my personal checking acct ....1960; This information is being provided in response to the interrogatory demands in 09c340. The subpoena cites this case but is issued out of USDC-WD WA. What justification is there for Mr. Kinsel to act when he is not admitted in DE? I have nothing to hide but have no way of getting a protective order. I am therefore advising you that the pertinent documents are part of the document response. Why this onerous duplication. I demand that you cease this conduct. I will file for a protective order and ask that you so advise Mr. Kinsel. Please advise.

Certificate of Service

On 10/16/09, affiant avers that he sent the attached KINSEL MOTION/ORDER to the clerk of court for filing and mailed a copy thereof first class mail or better, postage prepaid and affixed in proper amount to lead counsel of record for named defendants addressed to:

R. Montgomery Donaldson, Esq.  
Lisa Swally Brown, Esq.  
Richard G. Placey, Esq.,  
Montgomery Law firm  
1105 N. Market Street, Suite 1500,  
Wilmington, DE 19801

William A KINSEL, Esq.-  
KINSEL LAW OFFICES PLLC  
2025 First Avenue, Suite 440  
Seattle, WA 98221

*Larry W. Rader*  
Larry W. Rader, plaintiff

Subscribed and sworn to before me  
A notary public this 16 day of October, 2009.

*Witness of my motion for Protective  
order/Schedule*

*Darren Parker*  
Wisconsin Notary

DARREN W PARKER  
Notary Public  
State of Wisconsin

FedEx

TRK#

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MON - 19 OCT A1  
PRIORITY OVERNIGHT

Part # 156207-435 RT 07/09

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**FedEx. US Airbill** **Tracking #** 8592 2212 9944



Express

Priority

Overnight

Standard

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International

Business

Small Parcel

Large Parcel

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